

University of Florida
Law and Privacy: US and European Perspectives
EUS 3930/POS 4931
Fall 2025

COURSE INFORMATION:

Instructor: Prof. Alexander Panayotov, Ph.D.

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Course Time: Tuesday 10:40-11:30 AM, Thursday 10:40AM: 12:35 PM

Course Location: MAT 0108

Office Location: Turlington Hall 3343

Office Hours: Thursday 12:45-2:45 PM (in person), Tuesday 11:45 AM -12:45 PM (Zoom), and by appointment

“Thoughts without content are empty, intuitions without concepts are blind.”
Immanuel Kant

COURSE DESCRIPTION:

Privacy is a concept that is both omnipresent and elusive. Lawyers, economists, political scientists, and philosophers – among others – try to capture its essence. Despite their efforts, the concept of privacy remains in flux: we have too much to study, we know too little about it, and even what we know is too unclear. For this reason, we will seek to clarify a pragmatic approach to privacy and embed it within a broader framework for understanding law, authority, and power. This means that we will establish the boundaries of the concept and look at its applications by using a multi-disciplinary approach grounded in both law and social science. Because of this, the course has the following objectives: 1) to explore the conceptual basis of privacy; 2) to outline how governments, corporations, and individuals view the concept of privacy and deploy it to attain their objectives; and, 3) to learn the difference between the American and European concepts of privacy and the regulatory implications of these differences. States, corporations, and individuals are involved in the negotiation, contestation, and regulation of privacy. We will study how these actors developed strategies for controlling, monetizing, and exploiting privacy. We will refrain from studying the technological aspects of privacy and their relations to global commerce and business. Overall, this course asks how law and social science conceptualize privacy and develop remedies for its protection in furtherance of personal autonomy and human dignity.

Students will master the concept of privacy by participating in structured class discussions. They will hone their skills by analyzing privacy problems and arguing the opposite sides of complex privacy problems. The purpose of these exercises is to bolster students' intellectual confidence and self-assurance in presenting and communicating their expertise.

In this class, you will learn different styles of analysis and argumentation. Understanding these styles might prove challenging. Because of this, be prepared to discuss them in class. The class discussion is a deliberative exercise: you are expected to contribute to it because everyone will benefit from a vigorous exchange of ideas. To facilitate this exchange, I will call people in class. Please be advised that class attendance is mandatory. In addition, please respect your colleagues' views: we will study problems open to multiple interpretations. Don't forget that collegiality and tolerance are virtues not vices.

LEARNING OBJECTIVES:

Students in this course will:

- Explore the conceptual foundations of privacy.
- Learn the methodological skills to analyze and understand privacy issues.
- Refine their writing, editing, and presentation skills.

COURSE TEXTS:

1. Daniel J. Solove, *Understanding Privacy* (Harvard University Press, 2008) [hereinafter UP].
2. Lawrence Cappello, *None of Your Damn Business: Privacy in the United States from the Gilded Age to the Digital Age*, (University of Chicago Press, 2019) [hereinafter NYDB]
3. European Agency for Fundamental Rights, *Handbook of European Data Protection Law* [hereinafter EDPL]. Please do not buy the book, it will be available on Canvas at no charge.
4. Anu Bradford, *Digital Empires; The Global Battle to Regulate Technology* [hereinafter DE].
5. Materials on the Canvas web site.

EXAMINATIONS AND ACADEMIC HONESTY:

- I will not be able to change exams' parameters and presentation dates except in the following cases: a medical emergency, which must be properly documented, and a death in the immediate family.
- Absences from class must be properly documented. An absence without proper documentation will be counted as an unexcused one. Two or more unexcused absences will result in lowering of your attendance and participation grade.
- Depending on our progress, there might be changes in the schedule. You will be notified of all changes in advance.
- No extra credit assignments will be offered.
- Please note that UF students are bound by The Honor Pledge which states, "We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: "On my honor, I have neither given nor received unauthorized aid in doing this assignment." The Honor Code (<http://www.dso.ufl.edu/sccr/process/student-conduct-honor-code/>) specifies a

number of behaviors that are in violation of this code and the possible sanctions. Furthermore, you are obligated to report any condition that facilitates academic misconduct to appropriate personnel. If you have any questions or concerns, please consult with the instructor in this class. Please note that this is a research-intensive course. Because of this, plagiarism and other forms of academic dishonesty will not be tolerated. Students are required to read, understand, and abide by the University of Florida Academic Honesty policy. The policy can be found here: <https://sccr.dso.ufl.edu/process/student-conduct-code/> . All violations of the said policy will be reported in accordance with the process outlined in it.

- The requirements in the syllabus are consistent with the UF grading policy. The policy can be found here: <https://catalog.ufl.edu/UGRD/academic-regulations/grades-grading-policies/>

GRADE CONCERNS:

If a student disagrees with her grade, she must outline her concerns in writing within 48 hours of receiving the grade. I will not accept grade concern statements after the expiration of the 48-hour period. The statement must contain a reasoned claim backed by textual evidence. After evaluating the merit of the claim, I will do one of the following: 1) increase the grade; 2) lower the grade; or, 3) leave the grade unchanged. The student will be notified about my decision within a reasonable time frame and the grade will be adjusted accordingly. Please note that this policy will not be applicable to the final paper and the overall final grade.

ATTENDANCE:

- Please be advised that class attendance is mandatory. I reserve the right to revise your grade one grade step down (e.g. B+ to B) for systemic unexcused absences from class (two or more absences).
- Arrive on time. I reserve the right to lower your attention and participation grade in cases of systematic tardiness. I define systematic tardiness as “three or more late arrivals to class.”
- Do not leave early. If you leave early three or more times, I reserve the right to lower your attention and participation grade.
- Requirements for class attendance and make-up exams, assignments, and other work in this course are consistent with university policies that can be found at: <https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>

INCOMPLETES:

Incompletes will be granted under exceptional circumstances. A student who wants to receive an incomplete must: (1) inform the professor 10 (ten) days prior to the last day of class and (2) provide a written explanation about the reasons necessitating the incomplete. These reasons must be properly documented. In addition, the student must provide a written plan for finishing the missing work. The student must complete the work during the following semester. Failure to complete the work will result in an E.

COURSE EVALUATIONS:

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/> . Students will be notified when the evaluation period opens, and can complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluera.com/ufl/> . Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/>.

ACCOMMODATIONS:

Students with disabilities who experience learning barriers and would like to request academic accommodations should connect with the disability Resource Center by visiting disability.ufl.edu/students/get-started. It is important for students to share their accommodation letter with their instructor and discuss their access needs, as early as possible in the semester.

Faculty can expect to receive a student's accommodation letter within the first 3 weeks of classes; however, if a student registers with the DRC later in the semester faculty are still obligated to facilitate accommodations. Neither faculty nor administrators may independently deny a request for accommodation that is approved by the Disability Resource Center.

Students are also advised to explore the opportunities offered by the UF Disability Resource Center. The Center is located at 001 Reid Hall, web page: <https://disability.ufl.edu/#> .

COUNSELING AND WELLNESS CENTER:

Contact information for the Counseling and Wellness Center: <http://www.counseling.ufl.edu/cwc/Default.aspx>, 392-1575; and the University Police Department: 392-1111 or 9-1-1 for emergencies.

RECORDINGS:

Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor.

A "class lecture" is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or lecturer during a class session.

Publication without permission of the instructor is prohibited. To "publish" means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or

medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor Code and Student Conduct Code.

ATTENDANCE:

Please note that the according to the Office of the University Registrar: “ Acceptable reasons for absence from or failure to engage in class include illness; Title IX-related situations; serious accidents or emergencies affecting the student, their roommates, or their family; special curricular requirements (e.g., judging trips, field trips, professional conferences); military obligation; severe weather conditions that prevent class participation; religious holidays; participation in official university activities (e.g., music performances, athletic competition, debate); and court-imposed legal obligations (e.g., jury duty or subpoena). Other reasons (e.g., a job interview or club activity) may be deemed acceptable if approved by the instructor.

For all planned absences, a student in a situation that allows an excused absence from a class, or any required class activity must inform the instructor as early as possible prior to the class. For all unplanned absences because of accidents or emergency situations, students should contact their instructor as soon as conditions permit.

The university recognizes the right of the instructor to make attendance mandatory and require documentation for absences (except for religious holidays), missed work, or inability to fully engage in class. After due warning, an instructor can prohibit further attendance and subsequently assign a failing grade for excessive absences.”

Please familiarize yourself with the university policy regarding excused and unexcused absences. The full text is available here: [link](#)

COMPLIANCE WITH UF ACADEMIC POLICIES:

This course complies with all UF academic policies. For information on those policies and for resources for students, please see this [link](#)

RESPONSIBILITIES:

- Ensure that you have reliable access to Canvas because it will be used extensively throughout the semester. Note that you will be responsible for printing or viewing the assigned material.
- Read the materials in advance and in the order indicated in the syllabus.
- Turn off your cell phones **before** coming to class.
- Restrict the use of electronic devices to class-related activities, e.g., note-taking or article reading.
- Please do not eat in class. Drinks in closed containers are permitted.
- Please note that I will call people in class. This means that it’s your responsibility to be prepared at all times. I reserve the right to lower your participation grade if you are unprepared.

GRADE SCALE:

A	94-100
A-	90-93
B+	87-89
B	84-86
B-	80-83
C+	77-79
C	74-76
C-	70-73
D+	67-69
D	64-66
D-	60-63
E	0-59

ASSIGNMENTS AND DEADLINES:

DUE DATE	ASSIGNMENT	DESCRIPTION	WEIGHT
	Attendance and participation	Please note that attendance is mandatory. Participation is an essential ingredient for your success in the course. I will consider revising your grade one grade step up (e.g. A- to A) to reward your meaningful class participation. I will revise your grade one grade step down (e.g., A- to B+) for inadequate class preparation. I will revise your grade one grade step down (e.g. B+ to B) for systemic unexcused absences from class (two or more absences). I reserve the right to revise your grade one grade step down (e.g. B+ to B) for systemic tardiness (two or more late arrivals). I will not revise grades upwards to reward regular attendance. Do not leave early. If you leave early two or more times, I reserve the right to lower your attention and participation grade by one grade step down. All absences must be properly documented. For more details about excused and unexcused absences please see the attendance section.	10%
11-Sep-2025	Précis	The précis is a one-page summary of an important socio-legal concept. I will post four legal concepts on Canvas. You will have to select one of them. The précis will have to be 1” margin all around, Times New Roman font, size 12 double spacing. You may cite course materials or external sources — books, articles, judicial decisions or primary documents — related to the concept. All sources must be properly cited in a bibliography, which will not be counted toward the page requirement. I will deduct 15 points for assignments submitted after the deadline and before 11:59 PM on September 13 th . I will not accept submissions after that and no points will be awarded for this assignment.	20%
28-Sep-2025 — 05-Oct-2025	Midterm (take home exam)	The midterm will consist of one question and one short answer. The short answer should not exceed five sentences. Your answers should reflect the assigned readings and the class discussions. I will deduct 15 points for assignments submitted after the deadline and before 11:59 PM on October 7 th . I will not accept submissions after that and no points will be awarded for this assignment.	30%

02-Dec-2025 – 09-Dec-2025	Final Exam (take home exam)	The final exam will consist of two questions and one short answer. The short answer should not exceed five sentences. The additional requirements for the essay questions and the short answers are: 1” margin all around, Times New Roman font, size 12. Your answers should reflect the assigned readings and the class discussions. The final exam will cover all materials studied throughout the semester. I will deduct 15 points for assignments submitted after the deadline and before 11:59 PM on December 11 th . I will not accept submissions after that and no points will be awarded for this assignment.	40%
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SUBMISSIONS:

All assignments should be submitted by using the class Canvas web site unless otherwise noted in the syllabus.

IMPORTANT DATES:

- **September 11th:** Precis due
- **October 5th:** Midterm due
- **December 9th:** Final Exam due

INTRODUCTION

“Philosophers make imaginary laws for imaginary commonwealths, and their discourses are as the stars, which give little light because they are so high.”

Francis Bacon

Date	Subject	Readings
21-Aug-2025	Introduction	1. Amy Dockser Marcus, “ <i>When Your Ancestry Test Entangles Others</i> ” [Canvas] 2. Josh Chin and Liza Lin, “ <i>The Two Faces of China’s Surveillance State</i> ” [Canvas] 3. Rob Copeland, Dana Mattioli and Melanie Evans, “ <i>Inside Google’s Quest for Millions of Medical Records</i> ” [Canvas] 4. NYDB 1-15
26-Aug-2025	Introduction II	1. DE 1-29

WHAT IS (AMERICAN) PRIVACY?

History is a guide to navigation in perilous times. History is who we are and why we are the way we are.”

David McCullough

Date	Subject	Readings
28-Aug-2025	The Concept of Privacy: The Beginning	1. NYDB 17-70
02-Sep-2025	Privacy and National Security (1917-1961)	1. NYDB 71-123
04-Sep-2025	Privacy and Surveillance (1928-1998) Privacy and Data Collection (1933-1988)	1. NYDB 125-176 2. NYDB 177-213
09-Sep-2025	Is History a Guide to the Future?	1. NYDB 259-274 2. UP 1-11

CONCEPTUALIZING PRIVACY: THE TANGLED WEB

"We feel as if we had to repair a torn spider's web with our fingers"
Ludwig Wittgenstein, *"Philosophical Investigations"*, §106

Date	Subject	Readings
11-Sep-2025	The Concept of Privacy I	1. UP 12-38
16-Sep-2025	Interlude: How We Think About Social Categories and Why It Matters?	1. David Collier & James Mahon, <i>"Conceptual Stretching Revisited: Adapting Categories in Conceptual Analysis"</i> [Canvas]
18-Sep-2025	The Concept of Privacy II	1. UP 39-77
23-Sep-2025	The Concept of Privacy III	1. UP 78-100 2. Jonathan Zittrain, <i>"Facebook Could Decide an Election Without Anyone Ever Finding Out: The Scary Future of Digital Gerrymandering —and How to Prevent It"</i> [Canvas] 3. Kevin Poulsen & Robert McMillan, <i>"TikTok Tracked User Data Using Tactic Banned by Google"</i> [Canvas]
25-Sep-2025	The Concept of Privacy IV	1. UP 101-170 2. Katherine Bindley, <i>"Your Health Data Isn't as Safe as You Think"</i> [Canvas]
30-Sep-2025	What is Privacy? (Summary)	1. UP 171-197

DOES MIGHT MAKE RIGHT? PRIVACY, WEALTH, AND POWER

"Right, as the world goes, is only in question between equals in power, while the strong do what they can and the weak suffer what they must."
Thucydides *"History of the Peloponnesian War"*, 4th ct. BC

Date	Subject	Readings
02-Oct-2025	Sovereignty and Privacy: Privacy Across Borders or Bordered Privacy?	1. Tim Wu, <i>"Is Internet Exceptionalism Dead?"</i> [Canvas] 2. Sue Halperin, <i>"The Drums of Cyberwar"</i> [Canvas]
07-Oct-2025	The Wheels of Commerce: Monetizing Privacy in the Digital Age I	1. Tim Wu, <i>"Blind Spot: The Attention Economy and the Law"</i> [Canvas]

09-Oct-2025	The Wheels of Commerce: Monetizing Privacy in the Digital Age II	<ol style="list-style-type: none"> 1. Shoshana Zuboff, “<i>Big Other: Surveillance Capitalism and the Prospects of an Information Civilization</i>” [Canvas] 2. Jean Eaglesham, “<i>Insurers Are Spying on Your Home From the Sky</i>” [Canvas] 3. Will Parker, “<i>Thanks to Big Data, Landlords Know How to Squeeze the Most Out of Renters</i>” [Canvas]
14-Oct-2025	The Wheels of Commerce: Monetizing Privacy in the Digital Age III	<ol style="list-style-type: none"> 1. DE 33-68

WHAT IS (EUROPEAN) PRIVACY?

“The purpose of law is to prevent the strong always having their way” Ovid

Date	Subject	Readings
16-Oct-2025	European and American Privacy	<ol style="list-style-type: none"> 1. James Q. Whitman, “<i>The Two Western Cultures of Privacy: Dignity vs. Liberty</i>”, pp. 1153-1179, 1179-1189(skim), 1189-1221 [Canvas]
21-Oct-2025	Foundations of European Privacy II	<ol style="list-style-type: none"> 1. DE 105-145
23-Oct-2025	Foundations of European Privacy III	<ol style="list-style-type: none"> 1. EDPL 83-138 2. Anu Bradford, “<i>The EU as a Regulatory Power</i>” [Canvas]
28-Oct-2025	Foundations of European Privacy IV	<ol style="list-style-type: none"> 1. EDPL 206-227
30-Oct-2025	Foundations of European Privacy V	<ol style="list-style-type: none"> 1. EDPL 227-248

THE GLOBAL CLASH: AMERICAN VS. EUROPEAN VS. CHINESE PRIVACY IN THE SHADOW OF THE LAW

“Ius est ars boni et aequi” (Law is the art of the good and the equitable)

Date	Subject	Readings
04-Nov-2025	Rights, Markets, and Security: The US-EU Regulatory Clashes	<ol style="list-style-type: none"> 1. DE 221-254
06-Nov-2025	The US and the Chinese Regulatory Models	<ol style="list-style-type: none"> 1. DE 257-289 2. DE 290-323 (skim)

13-Nov-2025	The Globalization of European Digital Rights	1. <i>DE</i> 290-323
18-Nov-2025	European Privacy and Artificial Intelligence	1. Mauritz Kop, “ <i>EU Artificial Intelligence Act: The European Approach to AI</i> ” [Canvas]
20-Nov-2025	The Future: Technology, Law, and Privacy	1. <i>DE</i> 360-393
02-Dec-2025	Review Session	There are no readings for this class

USEFUL LINKS:

1. The Electronic Frontier Foundation: <https://www.eff.org/> (United States)
2. European Digital Rights: <https://edri.org/> (Europe)
3. The Sedona Conference: <https://thesedonaconference.org/> (The premier source on policy research and recommendations on privacy in the United States)
4. The European Digital Market: <https://ec.europa.eu/digital-single-market/> (Short and lucid explanation on how the European Union has built its digital infrastructure and incorporated privacy rights into it).
5. Privacy Rights Clearinghouse: <https://privacyrights.org/data-breaches> (This link is particularly useful if you are interested in the systematic study of data breaches).
6. The Legal Information Institute (Cornell Law School): <https://www.law.cornell.edu/> (It covers the US law as a whole).

USEFUL LINKS FOR INTELLECTUAL ENRICHMENT:

1. Arts and Letters Daily: <http://www.alldaily.com/>
2. BBC “In Our Time” (podcasts): <http://www.bbc.co.uk/programmes/b006qyk1>

FOREIGN LEGAL PHRASES:

A contrario: “from a contrary position”

A fortiori: “for a still stronger reason”

Ad hoc: “for this; for the specific purpose”

Contra legem: “against the law” (often used in the context of legal interpretation)

De jure: “according to law”

De facto: “in reality; in fact”

Erga omnes: “toward all” (often used in relation to obligations)

De lege ferenda: “law as it should be”

De lege lata: “law as it is”

Opinio juris: “opinion of the law”

BOOK LIST (OPTIONAL):

WRITING	Bryan A. Garner, <i>“Legal Writing in Plain English”</i> 2 nd edn. (The University of Chicago Press, 2013)
LEGAL REASONING (ADVANCED)	Antonin Scalia and Bryan A. Garner, <i>“Reading Law: The Interpretation of Legal Texts”</i> (West Publishing, 2012) Edward H. Levi, <i>“An Introduction to Legal Reasoning”</i> , (The University of Chicago Press, 2013)
SOCIOLOGY OF LAW	Roger Cotterrell, <i>“The Sociology of Law: An Introduction”</i> 2 nd edn.(Oxford University Press, 2005)
LEGAL REGULATION OF ARTIFICIAL INTELLIGENCE	Simon Chesterman, <i>“We, the Robots: Regulating Artificial Intelligence and the Limits of the Law”</i> (Cambridge University Press, 2023).
SOCIAL HISTORY OF PRIVACY	Sarah E. Igo, <i>“The Known Citizen: A History of Privacy in Modern America”</i> (Harvard University Press, 2020)
PRIVACY AND NATIONAL SECURITY	Amy B. Zegart, <i>“Spies, Lies, and Algorithms: The History and Future of American Intelligence”</i> (Princeton University Press, 2022)

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Whitman, James, Q. “The Two Western Cultures of Privacy: Dignity vs. Liberty.” *Yale Law Journal* 113 no. 6 (April 2004): 1151-1222.

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Wu, Tim. “Blind Spot: The Attention Economy and the Law.” 82 *Antitrust Law Journal* 771-806, 2018-2019.

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